

# Exhibit 5

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

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STEPHANIE REYGADAS

Plaintiff,

Case No. 2:18-cv-02184-PKH

v.

DNF ASSOCIATES, LLC

Defendant.

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**DECLARATION OF DAVID J. MACZKA**

1. I am the Chief Compliance Officer of DNF Associates, LLC ("DNF"), and as such I have personal knowledge of the facts herein.

2. I submit this Declaration in support of DNF's Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56.

3. DNF is a passive purchaser of debt, which means it does not engage in any collection activities concerning the debt that it owns or acquires, such as Plaintiff's account at issue. Specifically, DNF does not perform any collection activities such as drafting or sending notices to consumers, contacting consumers over the telephone or directing the activities of any third party debt collectors with whom DNF contracts to collect outstanding debts.

4. I have reviewed Plaintiff Stephanie Reygadas' ("Plaintiff") Amended Complaint wherein Plaintiff alleges that DNF directed the conduct or collection efforts of non-party Radius Global Solutions, LLC ("RGS") and as a result violated the Fair Debt Collection Practices Act and Arkansas Fair Debt Collection Practices Act. Despite Plaintiff's claims, DNF does not direct or control the conduct of the third party collection agencies with whom it contracts, including RGS.

5. DNF did not engage in collection efforts on Plaintiff's account. Specifically, DNF did not draft or send any notices to Plaintiff, did not contact or attempt to contact Plaintiff over the telephone or through any other medium and did not exercise any direction or control over the purported collection activities that are the subject of the Amended Complaint.

6. DNF does not employ any individuals who actively collect or attempt to collect debts.

7. At the time of the allegations in the Amended Complaint, DNF purchased the subject account ("the Account") from Purchasing Power, LLC, who was the original creditor.

8. DNF retained Michael A. Jacob II, and Jacob Law Group, PLLC (collectively the "Jacob Firm") to engage in collection efforts on behalf of DNF regarding Plaintiff's Account.

9. The Jacob Firm filed a lawsuit in Arkansas on behalf of DNF in attempt to collect on the outstanding balance of Plaintiff's Account, which was dismissed without prejudice.

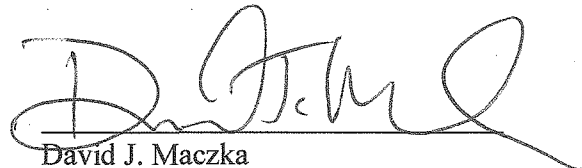
10. DNF then retained RGS to engage in collection efforts on behalf of DNF regarding Plaintiff's Account.

11. DNF only provided Plaintiff's information related to the Account, including Plaintiff's name, date of birth, address, telephone number, original creditor, account balance and date the Account was opened to RGS. Attached as Exhibit A is the information transmitted to RGS regarding Plaintiff's Account.

12. DNF did not provide RGS with any information relating to the lawsuit filed by the Jacob Firm.

13. I declare under the penalty of perjury that the foregoing is true and correct.

DATED: March 12, 2019

  
David J. Maczka

# Exhibit A

| COMP | Lot_GROUP       | Lot#     | Originator       | OrigAcctNo | LastName | FirstName | SSN | DOB | Old_Address |
|------|-----------------|----------|------------------|------------|----------|-----------|-----|-----|-------------|
| NLG  | LOT_51394_51395 | 51395128 | PURCHASING POWER |            | REYGADAS | STEPHANIE |     |     | 1722 ELM ST |

| Old_City  | Old_State | Old_ZIP | UPB      | OrigDate   | LstPayDte  | Last_active | CO Date   | MM Address  | MM City   | ST | MM Zip |
|-----------|-----------|---------|----------|------------|------------|-------------|-----------|-------------|-----------|----|--------|
| VAN BUREN | AR        | 72956   | 1,003.90 | 11/11/2014 | 12/23/2014 |             | 6/24/2015 | 1722 ELM ST | VAN BUREN | AR | 72956  |

| Old_Phone | Old_Phone | MM Phone1    | Ph1s | MM Phone2    | Ph2s | Ph.3 | Ph3s | Experian P | Ph1s_A | Experian P | Ph2s_A |
|-----------|-----------|--------------|------|--------------|------|------|------|------------|--------|------------|--------|
|           |           | 562-290-9205 | GR   | 479-685-9979 |      |      |      |            |        |            |        |

| Experian P | Ph3s_A | Best Phon | ph1s_bmf | Bad_exp1     | Bad_exp2 | Bad_exp3 | Bad_Ph1      | Bad_Ph2      | Bad_Ph3 | Co_First | Co_Last |
|------------|--------|-----------|----------|--------------|----------|----------|--------------|--------------|---------|----------|---------|
|            |        |           |          | 479-544-1225 |          |          | 479-544-3396 | 479-544-1924 |         |          |         |



| Co_SSN | Co_Phone | Level |
|--------|----------|-------|
|        |          | BH    |

**MM Notes**

# OF PURCHASES 1 SEE MEDICAL TABLE FOR ADDITIONAL EMPLOYER AT TIME OF PURCHASE EXPERIAN, INC PRODUCTS PURCHASED Canon PowerShot EO

| Creditor           | Day_stat_op |
|--------------------|-------------|
| DNF Associates LLC | 605         |

| COMP | Lot_GROUP       | Lot#     | Originator       | Origacctno | UPB      | LastName | FirstName | SSN | DOB | Old_Address |
|------|-----------------|----------|------------------|------------|----------|----------|-----------|-----|-----|-------------|
| NLG  | LOT_51394_51395 | 51395128 | PURCHASING POWER |            | 1,003.90 | REYGADAS | STEPHANIE |     |     | 1722 ELM ST |

| Old_City  | Old_State | Old_ZIP | OrigDate   | LstPayDte  | CO Date    | MM Address  | MM City   | ST | MM Zip | Old_Phone | Old_Phone_2 |
|-----------|-----------|---------|------------|------------|------------|-------------|-----------|----|--------|-----------|-------------|
| VAN BUREN | AR        | 72956   | 11/11/2014 | 12/23/2014 | 06/24/2015 | 1722 ELM ST | VAN BUREN | AR | 72956  |           |             |

| MM Phone1    | Ph1s | MM Phone2    | Ph2s | Ph.3 | Ph3s | Experian Phone1 | Ph1s_A | Experian Phone2 | Ph2s_A | Experian Phone3 | Ph3s_A |
|--------------|------|--------------|------|------|------|-----------------|--------|-----------------|--------|-----------------|--------|
| 562-290-9205 | GR   | 479-685-9979 |      |      |      |                 |        |                 |        |                 |        |

| Best Phone1 | Date_Service | Date_Release | Med_Group |
|-------------|--------------|--------------|-----------|
|             | 11/11/2014   | 12/23/2014   |           |

| Service   |
|---|
| Canon PowerShot EOS Rebel T5 SLR Camera with 18-55mm Lens, 55-250mm Lens, Shoulder Bag, Creative Insights, and 8GB SDHC Card (1); SquareTrade 2-Year Camera/Car |



| Doctor               | Patient First | Patient Last | Patient SSN | Insurance | Bad_Ph1    | Bad_Ph2    | Bad_Ph3 | Bad_exp1   | Bad_exp2 | Bad_exp3 | Creditor           |
|----------------------|---------------|--------------|-------------|-----------|------------|------------|---------|------------|----------|----------|--------------------|
| ncorder Warranty (1) |               |              |             |           | 4795443396 | 4795441924 |         | 4795441225 |          |          | DNF Associates LLC |